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ESPLANADE AT DAMONTE RANCH HOA

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,)	Case No. 3:16-CV-00120
)	
Plaintiff,)	
)	
v.)	
)	
ESPLANADE AT DAMONTE RANCH)	
HOMEOWNERS' ASSOCIATION; ATC)	
ASSESSMENT COLLECTION GROUP;)	
THUNDER PROPERTIES, INC.,)	
)	
Defendants.)	

**STIPULATION AND PROPOSED ORDER WITHDRAWING BANK OF AMERICA'S
MOTION TO DISMISS ESPLANADE AT DAMONTE RANCH HOMEOWNER'S
ASSOCIATION'S COUNTERCLAIMS**

COMES NOW defendant, Esplanade at Damonte Ranch Homeowners' Association ("Esplanade"), by and through its counsel of record, Angius & Terry LLP, and plaintiff, Bank of America, N.A., as Successor by Merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP (BANA), by and through its counsel of record, Akerman LLP, and hereby stipulate and as follows:

1 On or about March 21, 2018 Esplanade filed its motion for leave to amend its answer
2 to assert counterclaims against plaintiff. (ECF 46). On or about March 13, 2018, BANA filed
3 its opposition to Esplanade's motion. (ECF 49). Thereafter, on or about March 27, 2018,
4 Esplanade filed its reply. (ECF 52). On or about, March 30, 2018, this Court entered its order
5 allowing Esplanade to amend its answer to assert counterclaims. (ECF 53). Accordingly, on
6 or about April 3, 2018, Esplanade filed its amended answer asserting counterclaims against
7 plaintiff. (ECF 54).

8 In response, on or about April 24, 2018, BANA filed its motion to dismiss. (ECF 58).
9 On or about May 8, 2018, Esplanade filed its opposition to BANA's motion to dismiss. (ECF
10 60). Finally, on or about May 29, 2018, BANA filed its reply, making a decision on BANA's
11 motion to dismiss ready for this Court's consideration. (ECF 64)

12 BANA and Esplanade determined a resolution of this matter as to BANA and
13 Esplanade is possible. Accordingly, BANA and Esplanade are negotiating the terms of a
14 resolution regarding the claims between them. Therefore, in the interest of judicial economy,
15 Esplanade and BANA hereby agrees that the foregoing motion to dismiss filed by BANA on
16 March 27, 2018 as ECF 58, including the opposition (ECF 60) and reply (ECF 64), are all
17 hereby withdrawn. The foregoing notwithstanding, should negotiations in relation to settling
18 this dispute fail, the motion to dismiss may be renewed by either Esplanade or BANA, with or
19 without the agreement of the other party, by filing a notice with this Court, upon which the
20 Court may decide the matter based on the briefing already on file herein.

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1 This request is made in the bona fide effort to resolve this dispute as between BANA
2 and Esplanade and is not intended to cause any delay or prejudice to any party.

3
4 DATED: June 18, 2018.

DATED: June 18, 2018

5 ANGIUS & TERRY LLP

AKERMAN LLP

6
7 /s/ Michael W. McKelleb
8 Michael W. McKelleb, Esq. SBN 12040
9 9127 W. Russell Road, Ste. 220
10 Las Vegas, NV 89148
11 *Attorneys for Defendants Esplanade at*
12 *Damonte Ranch HOA*

/s/ Jamie K. Combs
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Successor by Merger to BAC Home Loans
Servicing, LP fka Countrywide Home Loans
Servicing, LP

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14
15 **ORDER**

16 **IT IS SO ORDERED.**

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20 **UNITED STATES DISTRICT JUDGE**

21 **DATED:** June 20, 2018

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of June, 2018, service of the foregoing
**STIPULATION AND PROPOSED WITHDRAWING BANK OF AMERICA'S
MOTION TO DISMISS ESPLANADE AT DAMONTE RANCH HOMEOWNER'S
ASSOCIATION'S COUNTERCLAIMS** was made via the Court's electronic service all
parties registered therein through the Court's official e-filing system.

/s/ Marcella L. McCoy

An Employee of ANGIUS & TERRY LLP